

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

EVERETT HOUCK,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-05-1247-F
)	
OKLAHOMA WORKERS)	
COMPENSATION COURT, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Everett Houck's "Application to Proceed In Forma Pauperis" in his appeal of this action is before the court. (Doc. no. 21.)

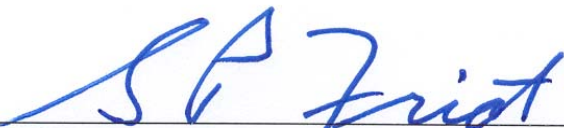
To be eligible to proceed in forma pauperis, a party must show that his appeal is taken in good faith and that he lacks the financial ability to pay the required fees. 28 U.S.C. § 1915(a)(1) and (3); Lister v. Dept. of the Treasury, 408 F.3d 1309, 1312 (10th Cir. 2005) (28 U.S.C. §1915(a) applies to all persons applying for IFP status and not just to prisoners). For these purposes, good faith means that the appeal is not frivolous. Coppedge v. United States, 369 U.S. 438, 455 (1962). Here, plaintiff's case was dismissed because the defendants' motions to dismiss were not responded to by the plaintiff and were deemed confessed by the court. (Order, doc. no. 16.) The Order granting the motions to dismiss also determined that there were no jurisdictional allegations included in the Complaint and that the action sought relief which could only be granted by the state appellate courts. Additionally, the Order found that there were no allegations in the Complaint which pertained to one of the moving defendants. For these reasons, this court granted the motions to dismiss as confessed and alternatively granted the motions under Rules 12(b)(1) and 12(b)(6), Fed. R. Civ.

P. The court has also reviewed the “Petition for Review” which is attached to plaintiff’s motion and which describes the nature of plaintiff’s claims on appeal. As stated in that document, plaintiff’s claims on appeal are essentially all of the same claims which were alleged in the Complaint. In these circumstances, the court finds that plaintiff has not presented a reasoned, non-frivolous argument on appeal and that the appeal is not taken in good faith. Accordingly, the motion to proceed in forma pauperis should be denied. 28 U.S.C. §1915(a)(3).

Conclusion

Having carefully considered the motion and supporting affidavit, the record, and the relevant arguments and authorities, plaintiff’s “Application to Proceed in Forma Pauperis” is **DENIED**.

Dated this 27th day of January, 2006.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE